

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

TERRY ROBINSON, Individually and on  
Behalf of the Wrongful Death Beneficiaries  
of Dennis Earl Homes, Deceased

PLAINTIFF

CASE NO.: 310-CV-629-HTW-LRA

THE TOWN OF WALNUT GROVE; WALNUT  
GROVE CORRECTIONAL AUTHORITY;  
CORNELL COMPANIES, Inc., GEO GROUP;  
WALTER (Brick) TRIPP, JOHN DOE, 1-5; and  
JOHN DOE CORPORATIONS, 1-5

DEFENDANTS

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PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT  
OF MOTION FOR LEAVE TO AMEND COMPLAINT

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COMES NOW the Plaintiff, Terry Robinson, ("Plaintiff") by and through the undersigned counsel, and pursuant to Rule 15 and other applicable rules of the FRCP, files this Memorandum of Law in Support of Motion for Leave to Amend Complaint in the above-styled action. In support thereof, Plaintiff will show unto the Court the following:

**I. PROCEDURAL AND FACTUAL OVERVIEW**

1. Plaintiff originally filed her claim on October 29, 2010 naming as Defendants, The Town of Walnut Grove; Walnut Grove Correctional Authority; Cornell Companies, Inc.; GEO Group; Walter (Brick) Tripp; John Does Corporations 1-5; and, John Does 1-10.

2. After the original Complaint was filed, upon information and belief, Plaintiff learned that Health Assurance, L.L.C. has a contract with one or more of the defendants

to provide medical services to the inmates at Walnut Grove Youth Correctional Facility and, in fact, delivered health care services to inmates while Plaintiff's decedent, Dennis Earl Holmes was at Walnut Grove.

3. At the time of the original filing, Plaintiff was unaware and without sufficient knowledge to determine that Health Assurance, L.L.C. was a provider of health care services to the inmates at Walnut Grove Youth Correctional Facility.

4. However, upon diligent examination of all documents available and/or referenced in response to the initial disclosures by the parties, it became known to the Plaintiff that Health Assurance, L.L.C. was an actor in the events which led to the death of decedent, Dennis Earl Holmes.

5. Facts surrounding the claim on which leave to amend is requested are central, operative facts pleaded in Plaintiff's original Complaint. The allegations in the original Complaint concern, in part, whether reasonable medical care was rendered to Dennis Earl Holmes while he was an inmate at the Walnut Grove Youth Correctional Facility.

6. This proposed amendment would simply name Health Assurance, L.L.C. as a defendant, and said requested amendment is being made to conform to the evidence adduced during examination of the initial disclosure documents and information. Further, Plaintiff seeks leave to amend the Complaint to add a few more cogent details to facts plead in the original Complaint.

## **II. LEGAL STANDARD AND ANALYSIS**

7. F.R.C.P. 15(c)(1) allows the plaintiff to correct the complaint to ensure that it has (1) stated all claims against the defendant arising out of the same facts and (2) named all proper defendants. *See, e.g., Edwards v. Occidental Chem. Corp.*, 892 F.2d

1442, 1446 (9<sup>th</sup> Cir. 1990) Rule 15(a) (2) of the FRCP allows liberal amendments when justice so requires and so that the pleadings will conform to the evidence adduced in discovery. *Foman v. Davis*, 371 U.S. 178, 182 (1962). Plaintiff's amendments seek to clarify allegations made in the initial Complaint.

### III. CONCLUSION

For the reasons stated above, Plaintiff's Motion for Leave to Amend the original Complaint should be granted to bring forth before the Court all of the proper Defendants to this claim, and to add more cogent details to facts plead in the First Amended complaint. Plaintiff respectfully requests that this Court grant her Motion for Leave to Amend.

**RESPECTFULLY SUBMITTED**, this the 26<sup>th</sup> day of May, 2011.

Terry Robinson,

BY: s:/Earle S. Banks., Esq.

Earle S. Banks, Esq. MSB# 1732

Of Counsel:

***Dockins Turnage & Banks, PLLC***

6520 Dogwood View Parkway

Suite B

Jackson, MS 39213

601.713.2223

601.713.2225

**CERTIFICATE OF SERVICE**

I, Earle S. Banks., hereby certify that a true and correct copy of the foregoing Memorandum of Law In Support of Motion for Leave of Court to Amend Complaint to Add an Additional Party has been served electronically via the ECF system to the following:

Lee Thaggard  
HAMMACK, BARRY, THAGGARD & MAY, LLP  
Post Office Box 2009  
Meridian, MS 39302

Jeffrey T. Webb  
Webb Law Firm, PLLC  
Post Office Box 452  
203 South Pearl Street  
Carthage, MS 39051

**Counsel For Defendants**

This the 26<sup>th</sup> day of May, 2011.

BY: s:/Earle S. Banks, Esq.  
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**Earle S. Banks, MSB # 1732**